

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action mailed July 11, 2007 (hereinafter "Office Action"). In response, Applicants have amended the Specification to address the 35 U.S.C. §101 rejection. Applicants respectfully submit that the cited references fail to disclose or suggest, at least, all of the recitations of the independent claims. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Section 101 Rejection

Claims 7 - 21 stand rejected under 35 U.S.C. §101 because of the description in the Specification that the computer readable medium may include an electrical connection and that the computer readable medium may even be paper. (Office Action, page 2). Applicants submit that the Office Action appears to have mistakenly rejected Claims 7 - 14 under 35 U.S.C. §101 as these claims do not recite a computer readable storage medium. While Applicants do not concede that an electrical connection and/or paper are non-statutory examples of a computer-readable storage medium, to advance prosecution and to facilitate an early allowance of the present application, Applicants have amended the Specification as indicated above to remove the references to "an electrical connection having one or more wires" and the computer-readable medium being paper.

Independent Claims 1, 8, and 15 are Patentable

Independent Claims 1 and 8 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Publication No. 2004/0190548 to Harel et al. (hereinafter "Harel"). (Office Action, page 2). Independent Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harel. (Office Action, page 4). Independent Claim 1 is directed to a method of operating a multiprotocol label switching (MPLS) network, and recites:

establishing a label switched path (LSP) that connects a first provider edge (PE) label switched router (LSR) a second PE LSR, and a customer edge (CE) LSR;
encapsulating packet traffic that is associated with a plurality of different layer two technologies with an MPLS label; and
securely routing the encapsulated packet traffic from the first PE LSR through the second PE LSR to the CE LSR using the LSP.

Independent Claims 8 and 15 include similar recitations. According to the recitations of Claim 1, an LSP is established and packet traffic that is associated with a plurality of different layer two technologies is encapsulated with an MPLS label. The encapsulated packet traffic associated with the multiple layer two technologies is routed using the LSP. Thus, embodiments of the present invention may aggregate traffic associated with multiple layer two technologies onto a single LSP.

In sharp contrast, Harel describes accepting input data from a packet source 32 and a time division multiplexed (TDM) source 30. An integrated transport device (ITD) encapsulates the data from both the packet source 32 and the TDM source 30 into packets for transmission over a network 28. (Harel, paragraphs 84 and 87 - 93; FIGS. 1 and 2). In sharp contrast to the recitations of independent Claim 1, however, Harel does not disclose or suggest aggregating the packets associated with the packet source 32 and the packets associated with the TDM source 30 onto a common LSP. Applicants acknowledge that Harel suggests that MPLS may be used to carry packets through the network 28, but Harel states that the packets are transmitted using MPLS tunnels. (Harel, paragraph 84). That is, Harel envisions multiple MPLS tunnels being used to carry the packets associated with the packet source 32 and the TDM source 30. Applicants cannot find any disclosure or suggestion in Harel that a single LSP be used to carry packet traffic associated with the packet source 32 and packet traffic associated with the TDM source 30.

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 8, and 15 are patentable over Harel and that Claims 2 - 7, 9 -

14, and 16 - 21 are patentable at least per the patentability of independent Claims 1, 8, and 15.

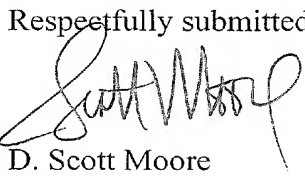
Various Dependent Claims are Separately Patentable

Dependent Claims 4 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Harel. (Office Action, page 2). Dependent Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harel. (Office Action, page 4). Applicants submit that dependent Claims 4, 11, and 18 are patentable at least per the patentability of independent Claims 1, 8, and 15, respectively. Applicants further submit that dependent Claims 4, 11, and 18 are separately patentable because Harel does not disclose or suggest statically provisioning an MPLS label between a PE LSR and a CE LSR and stitching the statically provisioned MPLS label to a signaled LSP that connects first and second PE LSRs. The Office Action cites paragraph 17 of Harel as disclosing the recitations of Claims 4, 11, and 18 (Office Action, page 3), but this paragraph describes the use of a pseudo wire (PW) label and does not provide any disclosure with respect to stitching a statically provisioned MPLS label to a signaled LSP. Applicants submit, therefore, that dependent Claims 4, 11, and 18 are separately patentable over Harel for at least these additional reasons.

CONCLUSION

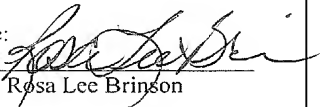
In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Respectfully submitted,

D. Scott Moore
Registration No. 42,011

**CERTIFICATION OF
TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 9, 2007.

Signature: 

Rosa Lee Brinson